

EXHIBIT H**DECLARATION OF ERIKA MICHELLE MARTINEZ**

“My name is Erika Michelle Martinez. I am over the age of 18 and competent to make this declaration. The following is true and correct and based on my personal knowledge.

1. I last attended Robert Vela High School in 2017. There were numerous rumors regarding Francisco Badillo regarding his inappropriate relationships and inappropriate contact with Robert Vela students. My friends and I avoided him as much as possible.
2. I remember a field trip during the 2016 school year to South Texas College, Weslaco, Texas and then to Mr. Gattis Pizza, 4100 N. 2nd Street, McAllen, Texas 78504. Badillo chaperoned the trip and rode on my bus. During the trip, Badillo made several sexually suggestive comments to me and my female friends. Badillo made my female friends and me feel very uncomfortable and we discussed his inappropriate behavior.
3. In approximately January or February of 2017, I had been absent from school. I received a telephone call from a classmate advising me that Badillo had been asking for me and questioning my friends concerning my whereabouts. I was confused as to why he was asking about me, because I did not have a relationship with him.
4. After returning to school, Badillo took me out of my second period class, food science class, taught by Mr. Villarreal. Badillo took me into the school’s hallway and stood very close to me. Badillo invaded my personal space and made me feel uncomfortable. Badillo told me that he “had seen something special” in me and continued to suggest there were inappropriate photographs of me circulating in the school. I considered Badillo’s comments as an attempt to gain my confidence.
5. Badillo’s comments upset me so much to the point that I reported the incident to Ms. Culberson, school administrator sometime in February 2017. Badillo had been going to all of my classrooms looking for me even though he was not my teacher. I was accompanied by my friend Amanda Longoria when I reported Badillo to Ms. Culberson. After that, Badillo stayed away from me.
6. I do not remember Ms. Culberson being present when I filled out the affidavit. It was the police officer who was present.
7. Culberson had me complete an affidavit and subsequently telephoned my father and advised him there would be an investigation into the incident. However, there was no follow up after the phone call regarding the investigation and nothing was done to my knowledge.
8. I was not provided a copy of my affidavit even though I was told I would receive a copy.
9. There was a student named Kayla Harris who had a similar encounter with Badillo while attending a concert with her parents.

I declare under penalty of perjury that the foregoing is true and correct.”

Executed in Hidalgo County, State of Texas, on January 24, 2020.

Erika Michelle Martinez

